

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:05CR106  
v. ) REPORT AND RECOMMENDATION  
MARIANO CORDERO-JUAREZ, ) AND  
Defendant. ) ORDER

At the conclusion of the hearing on May 23, 2005, on the defendant's motion to dismiss (Filing No. 49), I stated my conclusions on the record and my decision to recommend that the motion to dismiss be granted. I found by a preponderance of the evidence that the defendant was a juvenile at the time of the offense set forth in the Indictment. In accordance with that announcement,

**IT IS RECOMMENDED** to Chief Judge Joseph F. Bataillon that Cordero-Juarez's motion to dismiss, Filing No. 49, be granted.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 57.3 any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 23rd day of May, 2005.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge